

**SUPREME COURT MINUTES
TUESDAY, AUGUST 21, 2012
SAN FRANCISCO, CALIFORNIA**

S204202 B224739 Second Appellate District, Div. 3 **TARLE (PATRICIA) v.
KAISER FOUNDATION
HEALTH PLAN, INC.**

Petition stricken (case closed)

The Court of Appeal having filed an unpublished opinion on July 2, 2012, the request for depublication filed in the above-entitled matter is hereby stricken.

S204547 **SCORZA II (ERROL J.) ON
H.C.**

Petition stricken (case closed)

Due to clerical error, the documents filed August 6, 2012, in the above-entitled matter is hereby stricken and refiled under S201267, *In re Errol J. Scorza on Habeas Corpus*.

S181638 E047368 Fourth Appellate District, Div. 2 **IN RE W.B., JR.**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to November 2, 2012, or the date upon which rehearing is either granted or denied, whichever occurs first.

S025748 **PEOPLE v. CASARES (JOSE
LUPERCIO)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General David A. Lowe's representation that he anticipates filing the respondent's brief by December 18, 2012, counsel's request for an extension of time in which to file that brief is granted to October 19, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S075725**PEOPLE v. JONES
(KIONGOZI)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file respondent's brief is granted to September 19, 2012. After that date, no further extension will be granted.

S118045**PEOPLE v. ADAMS
(MARCUS)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Colleen M. Tiedemann's representation that she anticipates filing the respondent's brief by October 16, 2012, counsel's request for an extension of time in which to file that brief is granted to October 16, 2012. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S118384**PEOPLE v. MELENDEZ
(ANGELO MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Saor E. Stetler's representation that he anticipates filing the appellant's opening brief by April 2013, counsel's request for an extension of time in which to file that brief is granted to October 19, 2012. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S133510**PEOPLE v. MICKEL
(ANDREW HAMPTON)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Robert C. Nash's representation that he anticipates filing the respondent's brief by September 12, 2012, counsel's request for an extension of time in which to file that brief is granted to September 12, 2012. After that date, no further extension is contemplated.

S150524**PEOPLE v. ARGUETA
(CARLOS MARVIN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Nina Wilder's representation that she anticipates filing the appellant's opening brief by March 8, 2013, counsel's request for an extension of time in which to file that brief is granted to October 22, 2012. After that date, only three further extensions totaling about 140 additional days are contemplated. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S187622**O'MALLEY III (JAMES
FRANCIS) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Jeannie R. Sternberg's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by December 18, 2012, counsel's request for an extension of time in which to file that document is granted to October 15, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

S189373**PEOPLE v. WILSON
(LESTER HARLAND)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 22, 2012.

S198486**ROLAND (THOMAS) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to October 1, 2012.

S201443

B231678 Second Appellate District, Div. 3

**PEOPLE v. GOLDSMITH
(CARMEN)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to October 25, 2012.

S202107 A124765/A130151 First Appellate District, Div. 3 **PEOPLE v. TOM (RICHARD)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to September 19, 2012.

Based on the representation of Jeffrey M. Lawrence, Deputy Attorney General, counsel for The People, that he does not anticipate requesting any further extensions of time to file the opening brief on the merits, no further extensions are contemplated.

S204419

**MORGAN (LEE ANN) v. S.C.
(WANG)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S204599

**GARNER (DONALD KEITH)
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.0

S204619

**BERTRAM (TIMOTHY) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S203344**JACKSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RONALD AVENT JACKSON, State Bar Number 49536, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RONALD AVENT JACKSON must make restitution to the following payees:

- (1) James M. Tai in the amount of \$3,500 plus 10 percent interest per year from February 1, 2010;
- (2) Federico Mancini in the amount of \$2,800 plus 10 percent interest per year from February 1, 2010; and
- (3) Patrick Voeller in the amount of \$3,500 plus 10 percent interest per year from February 1, 2010.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

RONALD AVENT JACKSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203346**HANDELL ON DISCIPLINE**

Recommended discipline imposed

The court orders that DANI JO HANDELL, State Bar Number 130346, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for 18 months subject to the following conditions:

1. DANI JO HANDELL must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 16, 2012; and
2. At the expiration of the period of probation, if DANI JO HANDELL has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DANI JO HANDELL must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2013 and 2014. If DANI JO HANDELL fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S203350**FALESE ON DISCIPLINE**

Recommended discipline imposed

The court orders that PHILIP OLU FALESE, State Bar Number 222428, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. PHILIP OLU FALESE is suspended from the practice of law for the first six months of probation;
2. PHILIP OLU FALESE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 24, 2012; and
3. At the expiration of the period of probation, if PHILIP OLU FALESE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

PHILIP OLU FALESE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If PHILIP OLU FALESE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S203406**BUSCHO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROBERT JOSEPH BUSCHO, State Bar Number 122556, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROBERT JOSEPH BUSCHO must make restitution to the following payees:

- (1) Reid/Susan Elam in the amount of \$5,500 plus 10 percent interest per year from December 24, 2008;
- (2) Reid/Susan Elam in the amount of \$2,000 plus 10 percent interest per year from March 5, 2010;
- (3) Dan/Robin Cunningham in the amount of \$3,200 plus 10 percent interest per year from February 26, 2010;
- (4) James E.B. Stewart in the amount of \$1,800 plus 10 percent interest per year from March 5, 2010;
- (5) Darlene Gould in the amount of \$3,500 plus 10 percent interest per year from December 29, 2009;
- (6) Darlene Gould in the amount of \$1,500 plus 10 percent interest per year from March 5, 2010;
- (7) Vanessa Thomas-Burgos in the amount of \$2,505 plus 10 percent interest per year from

March 9, 2010;

- (8) Natasha Gaspard in the amount of \$3,500 plus 10 percent interest per year from December 14, 2009;
- (9) Alfred/Maria Sanchez in the amount of \$3,000 plus 10 percent interest per year from July 1, 2009;
- (10) Alfred/Maria Sanchez in the amount of \$2,000 plus 10 percent interest per year from February 26, 2010;
- (11) Richard Morgan in the amount of \$1,500 plus 10 percent interest per year from April 5, 2010;
- (12) Mark/Terrie Carlstrom in the amount of \$2,700 plus 10 percent interest per year from December 31, 2009;
- (13) Susan Rodriguez in the amount of \$3,250 plus 10 percent interest per year from November 24, 2009;
- (14) Robert Warren in the amount of \$1,500 plus 10 percent interest per year from April 26, 2010;
- (15) Anthony Parker in the amount of \$3,200 plus 10 percent interest per year from January 11, 2010;
- (16) Marian Kencik in the amount of \$1,500 plus 10 percent interest per year from August 19, 2010;
- (17) Danella Bonville in the amount of \$1,900 plus 10 percent interest per year from September 15, 2010;
- (18) Calvin/Carmen Vega in the amount of \$2,000 plus 10 percent interest per year from February 17, 2010;
- (19) Ismael Racet in the amount of \$3,000 plus 10 percent interest per year from October 6, 2010;
- (20) Mark/Susan Lamberty in the amount of \$2,250 plus 10 percent interest per year from July 8, 2010; and
- (21) Richard Mallard in the amount of \$1,000 plus 10 percent interest per year from April 5, 2010.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ROBERT JOSEPH BUSCHO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S203408**DEITCH ON DISCIPLINE**

Recommended discipline imposed

The court orders that PHILIP DEITCH, State Bar Number 29164, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. PHILIP DEITCH is suspended from the practice of law for the first 90 days of probation;
2. PHILIP DEITCH must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 1, 2012; and
3. At the expiration of the period of probation, if PHILIP DEITCH has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

PHILIP DEITCH must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

PHILIP DEITCH must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If PHILIP DEITCH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S203411**O'BRIEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL JUDE O'BRIEN, State Bar Number 147414, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL JUDE O'BRIEN is suspended from the practice of law for the first year of probation;
2. MICHAEL JUDE O'BRIEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 10, 2012; and
3. At the expiration of the period of probation, if MICHAEL JUDE O'BRIEN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL JUDE O'BRIEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or

suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If MICHAEL JUDE O'BRIEN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S203414**WEST ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ANGELA KAY WEST, State Bar Number 139555, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

ANGELA KAY WEST must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

